

**HAMILTON COUNTY
SUBDIVISION REGULATIONS**

5-14-90

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HAMILTON COUNTY
PLANNING COMMISSION

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HAMILTON COUNTY SUBDIVISION REGULATIONS

(For the areas of Hamilton County under
the planning jurisdiction of the Hamilton
County Planning Commission)

**ORDINANCE NO.
4-16-90 B**

5/14/90

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AN ORDINANCE FOR THE SUBDIVISION
OF LAND AND PROVIDING FOR THE
INSTALLATION OF IMPROVEMENTS

Be it ordained by the Board of County Commissioners of Hamilton County, State of Indiana.

An Ordinance establishing regulations and procedures for the subdivision of lands; for the dedication and acceptance of land for public use; for the installation of utilities, roadways, and the improvements essential to service the subdivided land; that the public health, safety, convenience, comfort and general welfare may be promoted; and for the recording of plats within the jurisdiction of the Hamilton County Plan Commission and as a part of the Comprehensive Plan for Hamilton County, Indiana in accordance with the authority vested in the County under the provision by enabling legislation of the General Assembly of the State of Indiana I.C. 36-7-4-700 "Subdivision Control", and all amendments and supplements thereto.

JURISDICTION

This Ordinance and amendments thereto shall be known and may be cited hereafter, as the Subdivision Control Ordinance of Hamilton County, Indiana.

COUNTY JURISDICTION

No Plat, replat or any division of land located within the legal jurisdictional area of the Hamilton County Plan Commission as now or hereafter established shall be recorded until said plat, proposed improvements and all procedures relating thereto, shall in all respects be in full compliance with the regulations hereinafter contained in this ordinance.

POLICY

- (1) It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the subdivided plat in accordance with the policies and objectives of the Comprehensive Plan of Hamilton County in order to assure the orderly and efficient development of the County.
- (2) Land to be subdivided shall be of such character that it can be developed without peril to health, flood, fire or other menace, and land shall not be subdivided

until having access to available existing public facilities and until improvements and proper provisions have been made for roads, drainage, water, sewerage, buffering and other necessary public facilities and relative improvements such as schools, parks, recreation facilities, and transportation facilities adequate for serving the subdivision. Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the County Zoning Ordinance and approved by the County Health Department.

- (3) Both existing and proposed public facilities serving the subdivision shall be properly related and conform to the official County Comprehensive Land Use Plan, related policies and objectives and implementation and capital improvement programs including the Thoroughfare Plan, Zoning Ordinance and Building Codes, and any other ordinance, resolution or policy approved by the Hamilton County Commissioners.

PURPOSES OF THESE REGULATIONS

- (1) To protect and provide for the public health, safety, and general welfare of the County.
- (2) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related Policies and Objectives.
- (3) To provide for the safety, comfort, and soundness of the built environment and related open spaces.
- (4) To protect the compatibility, character, economic stability and orderliness of all development through community adopted design standards.
- (5) To guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land uses, conserve natural resources such as ground water, natural water ways, natural beauty, community character, woodlands, wetlands, open spaces, energy and preservation of local, State and Federal identified historical resources both during and after development.

AUTHORITY

- (1) This ordinance which was enacted pursuant to Indiana

home rule and planning enabling legislation (Indiana Code, titles 36-1-3-4 and the 36-7-4-700 series, grants exclusive amended) authority to the Hamilton County Plan Commission to review and approve or disapprove primary, secondary, replats and vacations of plats for subdivisions throughout the Plan Commissions Jurisdiction, which show lots, blocks, common areas or sites. This authority extends to the development and approval of plans for improvements to public and private facilities, easements, etc., for stormwater, road, sewer, water, etc., which have not previously been approved but for which requirements existed, or resubdivision of undeveloped portions of already recorded plats and parcels both residential and commercial.

ENACTMENT

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted.

INTERPRETATION, CONFLICT, AND SEPARABILITY

- (1) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (2) Conflict with Public and Private Provisions. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- (3) Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgments shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The county hereby declares

that it would have enacted the remainder of these regulations even without any such part, provision or application.

AMENDMENTS

For the purpose of providing for the public health, safety, and general welfare, the County Commissioners, on recommendation of the Commission, may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Commission and County Commissioners.

CONDITIONS

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this county. The developer has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the County and to the safety and general welfare of the future plot owners in the subdivision and the County at large.

RESUBDIVISION OF LAND

- (1) Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout, easements shown on such map, or area reserved thereon for public use, or the addition of any lots or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the commission by the same procedure, rules, and regulations as for a subdivision.
- (2) Procedure for recorded parcels where Future Resubdivision is Indicated. Whenever an existing parcel of land is proposed to be subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

VACATION OF PLATS

Any recorded plat or part of any recorded plat may be vacated only in accordance with I.C. 36-7-3 as amended.

VARIANCES

All variances to this Subdivision Ordinance shall be under the jurisdiction of the Hamilton County Plan Commission.

- (1) General. Where the commission finds that extraordinary hardships peculiar to the site proposed for development or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) the granting of the variance will not be detrimental to the public safety, health, or welfare or injuries to other nearby property;
 - (b) the conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable to other or all property within or outside of a particular subdivision;
 - (c) because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
 - (d) the variance will not in any manner contravene the provisions of the Zoning Ordinance or Comprehensive Plan, as interpreted by the Commission, the County Engineer, Surveyor or Health Offices.
- (2) Conditions. In approving variances, the Commission may

require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

- (3) Procedures. A petition for any such variance shall be submitted in writing on the appropriate form by the subdivider at the time when the Preliminary Plat is filed for the consideration of the Commission. The petitioner shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

ENFORCEMENT, VIOLATION, AND PENALTIES

(1) General

- (a) it shall be the duty of the Director to enforce these regulations and to bring any violations or lack of compliance to the attention of the Commission and Commission Attorney .
- (b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Commission, in accordance with the provisions of these regulations and filed for recording with the County Recorder.
- (c) The division of any lot or any parcel of land into a subdivision, as defined in this ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease resulting in the creation of more than two new building sites of less than acres shall not be permitted. All such described divisions shall be subject to all of the appropriate requirements of this ordinance.
- (d) Except for model house, see page 8, no Improvement Location Permit or Building Permit required under the Uniform Building Code, the Zoning Ordinance or this ordinance shall be issued on any property subject to this ordinance until the provisions of this ordinance have been complied with.

(2) Violations and Penalties.

Any person who violates a provision of this ordinance or any regulations herein contained, shall be guilty of a infraction and, upon conviction, shall be fined not less

than fifty dollars (\$50.00) and not more than Five hundred dollars (\$500.00) for each day's violation up to a maximum of \$2,500.00, each day violation shall constitute a separate offense.

(3) Restraining Provisions

- (a) Any land within the participating jurisdictions subdivided in violation of the terms of this ordinance after the effective date hereof, is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.
- (b) The Commission may institute a suit for mandatory injunction requesting an individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this ordinance, to comply with the provisions of this ordinance. The Commission may also institute an injunction suit requesting an individual or governmental unit be directed to remove a structure erected in violation of this ordinance, or to make the same comply with its terms. If the Commission is successful in its suit, the respondent shall pay the Commission's reasonable attorney fees and all costs related to the enforcement of this Ordinance.

PUBLIC LANDS

All lands to be dedicated to the County or public for use or public ways; utility, drainage, landscape, buffering and conservation easement, parks and open space and other public use within subdivision shall be referred to the Plan Commission or Plat Committee of the County of Hamilton for review and a report before being accepted, amended or rejected by the Board of county Commissioners or by any other appropriate governing authority.

GENERAL PROVISIONS

PLACEMENT

Location designation for allowing subdivisions is determined by the zoning districts provided for in the Hamilton County Zoning Ordinance. No subdivisions shall be granted in zones in which they are prohibited by the Zoning Ordinance of Hamilton County. Requests for changes in existing zone classifications to allow for the development of subdivisions may be submitted to the Plan Commission for

consideration in accordance with procedures set out in the zoning ordinance of Hamilton County and the Commission Rules of Procedures.

APPEAL OF DIRECTOR

Any decision or determination by the Director may be appealed in writing on the appropriate form to the Plan Commission.

COMPLIANCE

Any subdivision of land hereinafter shall be in full compliance with the regulations contained in the ordinance.

IMPROVEMENT LOCATION PERMIT/BUILDING PERMIT

No Improvement Location Permit or Building Permit as defined by the Zoning Ordinance of Hamilton County except for approved model home shall be issued for the Construction of any building, structure or improvement to the land or any lot within or outside a subdivision as defined herein which has been approved for plating or replating until all requirement of this ordinance or any special conditions approved by the Plan Commission have been fully complied with. All sales offices and contractors offices shall be considered a temporary structure and shall be required to have a building permit and required inspections.

CERTIFICATE OF OCCUPANCY

Except for model house, see Model House on this page, no Certificate of Occupancy as defined by the Zoning Ordinance of Hamilton County shall be granted for the use (temporary or permanent) of any structure within an approved subdivision until the required improvements have been constructed, inspected and approved by the designated governing officials.

MODEL HOUSE

After the secondary plat has been recorded and copies have been provided to the office of the Hamilton County Plan Commission; an improvement location permit has been issued for site construction of the subdivision, and a paved or gravel road has been installed to the model home site from the entrance to the subdivision, the Director may issue conditional building permits to model homes within the first recorded section of a new subdivision. The number of model home permits shall be limited to no less than one and no

more than the maximum of 10--using a percentage rate of 10 percent per the recorded plat. Occupancy of model homes shall not take place until all permanent, private and public utility facilities that directly or indirectly affect the model home have been installed, inspected and approved in writing by all appropriate governmental agencies.

ADMINISTRATION

PREDESIGN CONFERENCE

Discussion of Requirements: Predesign Conference. Prior to submitting any of the materials required by this ordinance, the applicant or his representative shall discuss with the Director the nature of the land division being proposed, so that the applicant may be instructed concerning the classification of his subdivision and what regulatory procedures apply to it and must be followed under this ordinance in order to secure Primary and Secondary Plat approval. Where applicable, requirements concerning the general layout of streets and for reservations of land, soil condition street improvements, drainage, sewerage, fire protections, utilities and similar matters, as well as the availability of existing services should be discussed. The Director shall also advise the applicant, where appropriate, to discuss the proposed land division with those other officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

SUBDIVISION APPLICATION FOR PRIMARY APPROVAL CONSISTING OF ALL OF THE FOLLOWING:

- a. Completed Plan Commission's Application form.
- b. Subdivision Plat at a scale of 1 inch to 100 feet or other appropriate scale showing the entire subdivision and any adjacent subdivided lots, outlots and developed or planned for or dedicated streets, easements or right-of-way. This site development plan shall show that the proposed subdivision meets all the standards of the Hamilton county Subdivision and Zoning Ordinances.

THE PRIMARY PLAT PLAN SHALL SHOW:

- . Location map showing names of adjacent property owners and the zoning and land uses of adjacent properties.
- . Name, address and phone numbers of the property

owners or owners if corporation name of President and all major investors, the developer, engineer and surveyor.

- . Proposed name of the Subdivision
- . Location by Section, Township and Range
- . Legal description and boundary of proposed subdivision
- . Location, width and name of all existing and proposed public and or private roads, easements and rights-of-way
- . Location of all existing and proposed utilities including but not limited to sewer, water drainage facilities, power, telephone and cable.
- . Layout, number and dimension all lots and outparcels with zoning setback lines.
- . Property boundary lines of all Interested Parties
- . Location and elevation of floodway and flood fringe areas
- . Drainage Plan for all watersheds in and around the proposed subdivision, showing all existing proposed detention facilities
- . Topographic contour every 2 feet
- . All improvements to road system on-site and off-site
- . Sidewalks or pedestrian ways
- . Areas for parks, conservation areas, wetlands, common areas, lakes, easements for pedestrian ways and local, State or Federal identified historic resources when required.
- . Any special conditions relating to the subdivision
- . All sign locations and preliminary plans including entrance, traffic, street name, etc.
- . Existing mailbox and fence location
- . Preliminary landscape, mounding, perimeter fencing and screening plan

- . 100 year and floodway elevation and locations of the floodway and flood plain area

OTHER REQUIRED INFORMATION

1. Soils maps and description of soils as they relate to development.
2. Covenants
3. Special Conditions
4. Fees
5. List of names and address of all Interested Parties information no older than 30 days.
6. Any other information the Director feels is important to the development of the subdivision, requests will be in writing with justification

CONDITIONS

As part of the primary plat review and approval process, the Plan Commission may impose certain reasonable conditions relating to the proposed subdivision that they feel is needed in order to insure the orderly development of the area under their jurisdiction and to protect the health, safety or welfare of the general public. The reason for the condition shall be included with the written Findings Of Fact. All conditions shall be recorded by the petitioner in the office of the Hamilton County recorder, as part of the Secondary Plat.

TECHNICAL ADVISORY COMMITTEE

The Plan Commission shall establish a committee to review Subdivision plats and technical information for conformity with the standards and requirements of this ordinance and other Hamilton County Ordinances as they relate to the development of subdivisions in Hamilton county. A written report from this committee shall be submitted to the Plan Commission prior to Plan Commission consideration of the proposed Subdivision. This Committee shall be composed of the Directors as Chairman, County Surveyor, County Engineer, Soil Water Conservation District, County Health Offices, officials from each of the utility companies providing service to the area, County Sheriff and any other person devised by the Plan Commission.

STAFF REPORTS

The Plan Commission staff shall make a written report to the Plan commission on the conformity of the plat to the Subdivision Control Ordinance and the need for any conditions or recommendations for Primary Approval.

RECORDS

The Plan Commission Staff shall keep:

- a. Application Form of all proposed subdivisions and supporting information.
- b. Copies of the Technical Advisory Committee and Staff Reports.
- c. Signed copies of all recommendations, findings, commitments, covenants, conditions and decisions on all proposed subdivisions.
- d. Signed and stamped approved copies of all plans and specifications of all proposed subdivision improvements.
- e. Copies of all recorded covenants and special conditions.
- f. Copies of all recorded plats.
- g. Copies of all inspection records and as built drawings of all subdivision improvements.
- h. Copies of the bonds and agreements for all plats in all correspondence relating to a specific subdivision.

PUBLIC NOTICE

NOTIFICATION

The staff shall give written notification to the petitioner within thirty (30) days of receipt of a completed application, Primary Plat, Site Development Plan and all required supporting information, concerning the status of the filed Subdivision information and Dates of the Public Hearing before the Plan Commission.

NOTICE OF PUBLIC HEARING

The petitioner shall give official notice of the Primary Plat Public Hearing by:

- a. Notifying all Interested Parties (refer to appendix A) at least 20 (twenty) days before, not to including, the hearing date by registered return receipt mail.
- b. Causing publication in the Noblesville Ledger and Noblesville Times local newspaper at least 20 (twenty) days before not including, the hearing date, the cost of which is to be borne by the applicant.
- c. By placing a sign on each road frontage of the parcel or property under consideration.
(Refer to Appendix Plan Commission Rules of Procedure)

NOTICE OF DECISION

After a decision on Primary Approval, Disapproval, or Approval With Conditions, Findings Of Fact shall be completed and certified and signed by the President of the Plan Commission and a copy shall be mailed to the applicant and any interested parties that have requested a copy of the findings by letter to the Plan Commission or its staff.

PRIMARY APPROVAL OF SUBDIVISION

STANDARDS

To qualify for Primary Approval by the Plan Commission the following standards must be met:

- a. All appropriate requirements of these Subdivision Regulations must be met
- b. All requirements of the Hamilton County Zoning Ordinance pertaining to the Zone District in which the subdivision is proposed must be met.
- c. All requirements of the Hamilton County Thoroughfare Plan and its standards must be met
- d. Easements and rights-of-way must be provided for all utilities and government agencies to have adequate access to each lot, all interior

easements (front, rear and side lot easements) will be at least fifteen (15) feet total or seven and one half (7 1/2) feet each of abutting properties and perimeter easements shall be at least twenty (20) ft. or wider if deemed necessary by the interested agency and approved by the Plan Commission. Regulated drain easement shall be seventy-five (75) feet from the top of each bank unless a variance is approved by the Drainage Board prior to Primary Plat approval by the Plan Commission.

- e. Landscaping, sign, open space, conservation easements shall be separate from utility easements
- f. Stamped and signed approval of Site Development Plan by: Hamilton County Surveyor, Hamilton County Board of Health, County Engineer, Soil Water Conservation District, letters of acknowledgement shall be required from the State Department of Natural Resources when affected, appropriate gas, pipeline, electrical and telephone companies.
- g. Confirmation in writing of special conditions required by the Plan Commission.
- h. Written, compliance with policy objectives as stated in the Hamilton County Comprehensive Plan.
- i. Supporting engineering data and plans as required and approved by the appropriate agencies.

CONDITIONS

As part of the primary plat review and process approval, the Plan Commission may specify conditions relating to:

- a. Location, type, configuration of all public and private roadways.
- b. The need for additional road rights-of-way and improvements based on existing County Plans, reports or studies undertaken by the Plan Commission or other local County and State Federal Agencies lacking such studies. The Plan Commission may require additional studies to be done by the petitioner or other professional consulting firms to determine the need for

additional road right of way or improvements as a result of the proposed development and its impact on the surrounding areas.

- c. The need for, location, types and configuration of pedestrian ways.
- d. Use, type of facilities to handle water and sewer facilities.
- e. Need for buffering, landscaping and screening.
- f. Type, location, size, structure and drainage improvements.
- g. Type, location, design or other public facilities and services including but not limited to parks, open space, schools, libraries, etc.
- h. Amount of surety to cover all public improvements.
- i. The need for frontage roads, curb cuts, non-access easements along public roads.
- j. The location, design, screening, fencing of lakes, ponds and other water facilities.
- k. The need to protect for the public health, safety welfare environment feature including wetlands, mineral resources, flood plains, significant wetlands, archeological and historic sites and places.
- l. Any other conditions deemed necessary to protect the health, safety ad welfare of the general public.

TIME LIMITS- Primary Plats/Secondary Plats

Once the Primary Plat has been approved by the Plan Commission, the developer/petitioner has four (4) years in which to have recorded a Secondary Plat and have developed and approved a set of construction Plans showing all site improvements.

Once the Secondary Plat is recorded, the Construction Plans, as approved, shall be valid for three (3) years. If the site improvements have not been installed within this three (3) year period, they shall be amended to include current constructions standards for roads, road rights-of-way,

sanitary sewer, water, all utility easements, sidewalks, public open space and recreation spaces, water and any other public improvements standards then in existence. Any amended plan shall be reviewed and approved by all appropriate governmental agencies, the Technical Advisory Committee and Plan Director. The Hamilton County Plan Commission shall be notified in writing of all construction Plan reapprovals. (Refer to Need for Improvement Location Permit prior to site development/construction page 8.)

ENFORCEMENT OF COVENANT

The Hamilton County Plan Commission may enforce Subdivision Covenants which the Commission has approved. The approved Covenants shall include a statement giving the Hamilton County Plan Commission the right to enforce said covenant.

APPEAL

CERTIORARI

The final decision and findings of the Plan Commission are subject to Certiorari review by the Courts.

BONDING

APPROVAL AND ACCEPTANCE BY THE COUNTY COMMISSIONERS

All subdivision plans and specifications shall be in conformance with the standards set forth by the Hamilton County Board of Commissioners or by the appropriate governing authority and a statement shall be placed on the plat that the County Commissioners approve the improvements and accept the deed of dedication for the prescribed public lands.

SURETY

The applicant shall provide surety satisfactory to and assigned to the Plan Commission, Board of County Commissioners or other appropriate governing authority and to be only for the making of necessary improvements it covers.

AMOUNT/TIME

Construction surety shall be an amount equal to the total cost of construction of improvements including storm sewer and drainage, new streets and improvements to existing streets, water, sanitary sewers monuments and markers;

street signs, and any other public improvement required by the Plan Commission or County Commissioners. Surety is to be in the form of a bond, letter of credit or cashier check made out to the appropriate authority. When no specific authority exists, the surety shall be made out to the Hamilton County Plan Commission.

The time period for the construction surety shall be for the entire time it takes to complete the construction, inspections and release in writing of the surety by the appropriate authority.

The developer may install approved subdivision improvements once an Improvement Location Permit has been issued and a time schedule for facility construction and inspection has been developed in writing and approved by all appropriate County and other appropriate authorities without surety as an alternate to the above. The Secondary Plat will not be signed by the Director nor recorded until all improvements have been installed, inspected and approved in writing by all appropriate County and other appropriate authorities.

Maintenance surety shall be required per the request of the authority to which the improvements would be turned over to or at the request of the Plan Commission or County Commissioners. The amount of the maintenance surety shall be no less than 20% of the Construction Surety or 20% of the actual cost of construction of improvements if installed without surety and shall be for a time period of no less than two years after the construction surety is released or improvements completed, inspected and approved. The maintenance surety can be longer than three (3) years when deemed necessary for reason by the appropriate authority, the Plan Commission or County Commissioners. No individual nor part of a surety shall be released until all inspections by the appropriate authority and Plan Commission staff have been preformed and certified in writing that they meet all appropriate standards. The appropriate authority or developer may request Special Inspections by a duly authorized inspector or State Certified Engineer as approved by the County Commissioners to determine compliance with all appropriate standards, the cost of which shall be borne by the subdivider or developer. No surety shall be allowed to lapse or be terminated until approved in writing by the appropriate authority.

EXPIRATION

If final approval of the Primary Plat is not granted

within one (1) year from the date of the original public hearing on the Primary Plat due to petitioner delay, the subdivision primary plat becomes of no effect and a new Public Hearing with Plan Commission review and approval must be held.

A Plan Commission approved Primary Plat is valid for four (4) years. If the subdivision improvements have not been completed or the approved Construction Plans and Secondary Plat has not been approved and recorded within the three year period, the Primary Plat must be reviewed and may be reapproved for up to two (2) additional years (maximum of three (3) reapprovals without a Public Hearing) by the Plan Commission.

SECONDARY/PLAT APPROVAL

APPROVAL AND SIGNATURE

The Director of the Plan Commission shall sign the Secondary Plat when the plat and all other supporting information is approved by all County and other appropriate authorities in complete compliance with the Approved Primary Plat and all sections of the Hamilton County Subdivision and Zoning Regulations and all conditions imposed on the Primary Plat as approved by the Plan Commission or County Commissioners.

FINAL CONSTRUCTION PLANS

All Construction Plans shall be completed, reviewed and approved by all appropriate governmental departments and agencies. Final Construction Plans shall be stamped and approved by the reviewing department or agency, dated and signed by the administrator, certifying engineer and developer on the front page of the Plans. No changes shall be made to the final approved Construction Plans without the review and approval of the appropriate authority. Amended Construction Plans shall be reviewed, signed and dated and copies filed with the appropriate authority and the office of the Plan Commission. The Director shall not sign the Secondary Plat until all Construction Plans have been finalized and surety secured or improvements have been made per the approved Construction Plan.

No site work can begin nor improvements installed on the site of the proposed subdivision until the final Construction Plan has been approved signed and filed with the office of the Plan Commission and an Improvement Location Permit approved.

NOTICE OF NON-COMPLIANCE

If the plat and required supporting information is not in compliance, the Plan Commission staff shall give written notice to the applicant within 30 days of receipt of all final plans stating:

- a. Why it is not in compliance; and
- b. What is needed for final approval as defined earlier in this document.

CONDITIONS IMPOSED

All conditions of the primary approval must be shown on a page of the approved Secondary Plat.

SECONDARY PLAT FORM

The Secondary Plat must be in a form approved by the Hamilton County Recorder and shall contain at least the following items:

- a. Name of Subdivision and Section Number, Surveyor's stamp, address and phone number on all pages of the Plat except pages showing only Covenants and Special Conditions.

- b. Legal description including section, township and range; a survey meeting Indiana Survey Standards with bearings and linear dimensions and showing the entire boundary of Plat.
- c. Scale, date and North point.
- d. Location and width of each street Right-of-way within and adjacent to the plat.
- e. Bearings and distances to a minimum of two section corners or quarter section corners which shall be accurately described and referenced on the Plat.
- f. Corporate, Township and County Lines within and adjacent to the plat.
- g. Show name of each street within and adjacent to the plat; curve radii including angle, length of curve, length of tangent, length of chord and chord bearing (tables may be used).
- h. All easements including widths for public and private ways and utilities.
- i. Accurate location of all monuments and markers and materials to be used.
- j. Location and purpose of all areas dedicated to public use.
- k. Front (yard) building setback line.
- l. Notarized Certification by owner of plat for dedication of streets.
- m. Acceptance by the Hamilton County Board of County Commissioners of all dedicated areas and improvements
- n. Signature of the Director of the Hamilton County Plan Commission.
- o. All Covenants and conditions approved by the Plan Commission.

- p. Recording information of any previously recorded subdivision shall be shown on the front page of the Plat.
- q. Abutting recorded Plat name and recording information.
- r. Street names and lot addresses as approved by the Director.

RECORDING

PROCEDURE

A plat of a subdivision may not be filed with the Recorder and the Recorder may not record the subdivision of land unless it has been granted Secondary Approval, signed and certified by the Plan Director and Secretary of the Plan Commission. The filing and recording of the plat is without legal effect unless in compliance with the Hamilton County Subdivision Control Ordinance.

RECORD DRAWINGS

After the completion of the construction of the improvements, a set of prints showing the as-built details and changes, if any, shall be filed with the Director of the Hamilton County Plan Commission, County Surveyor, and the County Engineer. These drawings shall be signed, dated and Certified by the project engineer and developer.

EXCEPTIONS

Those plats which have been recorded prior to the effective date of this ordinance shall be exempt from the Subdivision Ordinance.

VALIDITY

SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is adjudged to be void, such decision shall not effect the validity of the remaining portions of this ordinance.

EFFECTIVE DATE

PASSAGE

This Ordinance shall take effect from and after May
14, 1990. Passed by the Board of Commissioners,
Hamilton County Indiana on the 7 day of May
1990.

**BOARD OF COMMISSIONERS
OF THE COUNTY OF HAMILTON**

[Signature]
[Signature]
[Signature]
DATE 5/7/90

ATTEST:

[Signature] 5/7/90
HAMILTON COUNTY AUDITOR

SEWAGE DISPOSAL

The developer shall install or cause to be installed a system for the disposal of sanitary sewage in the subdivision by one of the following means:

1. Public System

A complete sanitary sewer system which shall convey the sewage into an established municipal or other public agency sanitary sewage disposal and treatment system, at a point and in a manner approved in writing by the municipal or other public agency involved. The plans for the complete installation of the sewage system showing all locations, material, size, profiles and any connections thereto shall be prepared by a Registered Engineer and/or Registered Land Surveyor at the expense of the subdivider or developer and shall be approved by and meet the requirements of the affected municipal or other public agency and the Indiana Department of Environmental Management.

2. Private or Quasi-Public System

- A. A complete sanitary sewage system to convey the sewage to a treatment plant provided by the developer or others and prepared by a Registered Engineer and/or a Registered Land Surveyor in accordance with the requirements of the County Board of Health and the Indiana Department of Environmental Management.
- B. A complete sanitary sewer system which shall connect into the sanitary sewage disposal system of a sewage disposal company which shall hold, at the time of plat submission, a certificate of territorial authority issued by the Public Service Commission of Indiana authorizing such sewage disposal service for the area in which the subdivision is located. The plans for the complete installation of the sewer system both within the subdivision and any off-site installations serving said subdivision showing all locations, size, material, profiles, and capacities, shall be prepared by a Registered Engineer and/or a Registered Land Surveyor submitted to and approved by the County Board of Health and/or the Indiana Department of Environmental Management.

- C. If the developer submits proper evidence to the County Health Department that neither of the above forms of sewage disposal and treatment is possible or economically feasible, then the developer or lot owner shall be permitted to use a private sanitary sewage disposal system on each individual lot when installed in accordance with the design standards and approval of the Hamilton County Board of Health or Indiana Department of Environmental Management.
3. The subdivider shall furnish the Commission a complete final set of plans and profiles as approved and signed by the various authorities.

WATER SUPPLY

The developer shall install or cause to be installed a water system for the subdivision by one of the following methods and prior to issuance of a Certificate of Occupancy and occupancy of any structure:

1. Public System

A complete water main system which shall be connected to a public or other community water supply which is approved by the Indiana Department of Environmental Management. The plans for the complete installation showing size, location, depth, material and all connections thereto including fire hydrants and valves approved by the local fire department, shall meet the requirements and receive the approval of the local water utility and the Indiana Department of Environmental Management.

2. Private System

- A. A community water supply system including well, pump, and all appurtenances thereto, necessary to supply a minimum pressure of forty (40) pounds per square inch at all points of the system. The plans showing location, depth, size, and material of mains, valves, and connections thereto shall meet the requirements of and be approved by the local water utility and/or the Indiana Department of Environmental Management; or
- B. A complete water main system which shall connect into the water main system of a utility company which shall be authorized to operate within the

area in which the subdivision is located and which shall be subject to the control of the Public Service Commission of Indiana. The plans for the complete installation of the water main system within the subdivision showing size, location, depth, material, and all connections thereto, including fire hydrants and valves as approved by the local fire department, shall be approved by the Indiana Department of Environmental Management.

3. Individual Supply

If the developer submits proper evidence to the County Health Department that neither of the above forms of water supply is possible or economically feasible, then the Board shall permit an individual water supply on each lot in the subdivision subject requirements and approval of the County Board of Health as it relates to the use and location of an on-site septic system.

4. The subdivider shall furnish the Commission a complete set of Construction Plans and profiles as approved by the appropriate authorities.

PUBLIC USE AREAS

1. Where sites for parks, schools, playgrounds or other public use areas, as shown in the Comprehensive Plan are located within the subdivision area, the Commission shall require that such areas be so designated on the Secondary Plat. Within three (3) years after the approval of the secondary plat, the authority having jurisdiction shall acquire the designated land or commence proceedings to acquire it; otherwise the owner may make permitted use of the site, as long as said use complies with all other applicable ordinances.

TOPOGRAPHY, NATURAL VEGETATION AND FLOODING

1. In the subdividing of any land within the jurisdiction, due regard shall be shown for all natural features, such as tree growth and other vegetation, watercourses, or other similar elements which, if preserved, would add attractiveness and value to the proposed development and surrounding area as long as the entire site is not precluded from reasonable development.
2. The natural topography shall be retained wherever possible in order to reduce runoff onto adjoining

property and to avoid extensive regrading of the site.

3. Building locations shall be carefully studied in relation to existing twelve inch and larger caliper trees, and other pertinent site features.
4. Consideration shall be given to varying the setback line required in the zoning district where the subdivision is proposed in order to retain wherever possible existing topography, rock formations, and large trees. Consideration shall be given only after the Board of Zoning Appeals has granted a building line variance for the affected subdivision.
5. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, or similar circumstances, the Commission shall consider withholding approval of such lots.
6. The Director shall review all proposed subdivisions to determine whether the subdivision lies in a floodway and/or flood fringe area. If the Director finds the subdivision to be located within the floodway, the petitioner shall forward all plans and materials to the Department of Natural Resources for review, comment, approval or disapproval. The Plan Commission may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damages; all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; adequate drainage shall be provided so as to reduce exposure to flood hazards; on-site waste disposal systems, per the requirements of the Hamilton County Plan Health Department and/or the Indiana Department of Environmental Management.

If there is a question as to the location of the subdivision in relation to a floodway or flood fringe area, the Director shall direct the developer or his agent to submit the plans to the Indiana Department of Natural Resource in order to locate the floodway and flood fringe area in relation to the subdivision.
7. Primary subdivision plat and construction plans containing lands identified elsewhere by ordinance as flood prone areas shall have the elevation of the 100-year flood and the locations of the flood way and flood fringe areas.

SIDEWALKS

1. Sidewalks or other suitable pedestrian or vehicle way on each side of a street shall be provided within a subdivision when the subdivision averages two and one half (2 1/2) lots or more per gross acre. Sidewalks on one (1) side of the street including existing public road-ways shall be provided within a subdivision when the subdivision averages less than three (3) lots per gross acre, provided, however, the Plan Commission may waive the above requirement in those subdivisions with less than two (2) lots per gross acre and only upon showing by the developer that the sidewalks will serve no specific purpose of future need. Sidewalks shall be concrete with a minimum thickness of four (4) inches and four (4) feet wide, and the edge of walks adjacent to the property line of the street shall be placed at least one (1) foot from the property line within the street right-of-way.
2. Pedestrian ways within the subdivision and outside of road rights-of-way shall be improved with a four (4) foot walk of either concrete four (4) inches thick or asphalt two (2) inches thick on four (4) inch compacted aggregate base or other approved all weather surface with adequate subbase. The base should be extended beyond the pathway on either side to a distance equal to depth of base.
3. If for any reason sidewalks or other pedestrian ways are not provided, the street grade shall be completed so that the minimum amount of additional grading would be necessary for any future provisions of sidewalks.

PRIVATELY DEVELOPED FACILITIES

Where the subdivision is to contain sewers, sewage treatment facilities, water supply system, park areas, or other physical facilities which will not be maintained by existing public agencies, provision shall be made by trust agreement, which is a part of the deed restrictions/covenants and which is acceptable to the proper public agencies, for jurisdiction over the continuous maintenance, supervision, operation, and reconstruction of such facilities by the lot owners in the subdivision. Other restrictions not inconsistent or in conflict with the provisions of this ordinance may also be included.

MONUMENTS & MARKERS

SECTION 1.

Subdivisions shall be referenced to at least two (2) section corners or quarter corners.

A. Referenced corners shall be noted on the Secondary Plat showing distance and bearing to a reference point of the subdivision.

B. Corner references shall be submitted to the County Surveyor prior to the Commissioners approval of the Secondary Plat at least thirty (30) days to Commissioners meeting;

C. Corner references shall conform to the requirements set out in IC 36-2-12-11.

SECTION 2.

Subdivision shall have permanent monuments installed as follows:

A. At all section corner and quarter section points on the boundaries of or within the area of the proposed secondary plat; at all external plat boundary corners and angle points as shown on the secondary plat unless common with another existing section of the subdivision or an existing monument of an adjoining subdivision. Corner monuments shall be planned so as to not interfere with drainage and utility facilities and so as not to be placed in other unacceptable perimeter locations.

B. Monuments shall be installed protected and maintained by the developer, builder and property owner after the completion of utility installation and finish grading.

C. Monuments shall be precast or poured in place concrete with minimum dimension of four (4") inches by four (4") inches by thirty-six (36") inches, set vertically in place. They shall be marked on Top with an iron dowel set flush with the top of the monument, or deeply scored on top with a cross.

SECTION 3.

Street Monuments shall be set as follows:

A. Monuments shall be set at the beginning and ending of

all curves at the street center line; at the intersection of all street center lines; at the radius point of all cul-desacs; and at all other points necessary for proper center line control.

B. Monuments shall be placed within thirty (3) days after final approval of the street by the county Highway Engineer and County Commissioners. The developer or his agent shall notify the county Surveyor in writing of said approval.

C. Monuments shall be a "CopperWeld", five eighths (5/8) inch diameter copper coated steel rod thirty-six (36") inch in length with a one and half (1 1/2") inch diameter tapered cap or other as approved by the county Engineer having a cut "X" in top set vertically and set flush with finished street surface coat.

SECTION 4.

Lot Markers shall be set as follows:

A. Permanent markers shall be installed after the completion of utility installation and finish grading. It shall be the responsibility of the developer, builder or owner to protect and maintain said markers during all phases of subdivision and individual lot development.

B. Permanent markers shall be set at all point where lot lines intersect street rights-of-ways, at all angels in property lines; and at all other lot corners which are not established by a monument.

C. Markers shall be iron pipes or steel bars with minimum dimensions of thirty-six (36") inches in length and 5/8 inch in diameter. copper and aluminum markers with a ferrous core may be used in lieu of iron pipes or steel bars.

D. Markers shall have caps giving the registration number of the surveyor setting the markers.

SECTION 5.

Secondary Plat shall specify types and location of monuments to be installed along with location, type and elevation of bench marks.

SECTION 6.

Prior to the time of Secondary Plat approval, the subdivider shall be required to provide financial performance

guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the County Commissioners that all monuments and markers required under the provisions of this ordinance shall be completed. Bonds and letters of credit are to run to the Board of Commissioners of Hamilton County. Said financial performance guarantee shall be conditioned upon the following:

A. The completion of public facility improvements and installations shall be within two (2) years from the approval of the secondary plat;

B. A penal sum shall be fixed and approved by the County Commissioners equal to 110 percent of the total estimated current cost as provided by the Developers' Surveyor of the installation of all monuments and markers provided in the Secondary Plat and accompanying data according to specifications cited herein.

C. Each public facility improvement or installation provided in the secondary plat or accompanying data shall be bonded individually, or shall have an individual certified check or letter of credit to cover the penal sum, and shall not have the performance guarantee provided in combination with any of the other public facility improvements and installations;

D. The performance bond, or letter of credit from a financial institution on letterhead or form of that institution, signed by an officer of the institution shall be issued in the name of the developer.

E. Should the subdivider not complete the public facility improvements and installations as herein required within the stated two (2) year period, the County Commissioners may approve an extension of up to two (2) additional years, granted at six (6) month intervals for completion of the required public facility improvements and installations.

F. The Performance Bond or Letter of Credit shall be released upon certification by the Developers Registered Land Surveyor that all monuments and markers have been installed according to plans and specifications. This certification shall be provided to the County Surveyor who will forward it to the County Commissioners.

SECTION 7.

Monuments and markers shall be installed in the following

manner:

- A. All monuments and markers shall be set under the supervision of a Registered Land Surveyor:
- B. No two (2) monuments or markers shall be no more than 400 feet apart and placed in a manner so that the line of sight between such markers can be observed from one marker to the other.
- C. Monuments and markers shall be set plumb and the center of the scored or marked point coincides exactly with the point of intersection of the lines to be monumented. The top of the monument shall be within 0"-6" of finished ground elevation.
- D. All U.S., State, County or other official Bench Marks, Monuments, or Triangulation stations in or adjacent to the plat shall be preserved in its precise location.
- E. If the location for a permanent marker or monument is originally determined to be in an area of solid rock or an unstable location such as the outside bend of creek or river, unstable slope or swamp, it may be relocated and offset from its original position. Such relocation must be noted on the plat. These and all other markers shall be designated on the plat before it is recorded. If this determination is made after recording a certificate of correction shall be recorded in the Records Office and filed with the County Surveyor.
- F. Other types of monuments which meet the intent of this ordinance may be used if approved in writing by the County Surveyor.

SECTION 8.

A minimum of one (1) permanent bench mark shall be established for each twenty acres, or fraction thereof subdivided and at a location designated by the county Surveyor. Subdivisions whose primary plat consists of five (5) lots or less shall be exempt from this requirement. This monument shall be of concrete with a minimum dimension of four (4) inches by four (4) inches or six (6) inches in diameter, and forty-eight (48) inches long with a brass plat securely fastened to the surface. On the brass plate shall be inscribed the number and elevation of the bench mark. Said elevation being based on mean sea level datum as established by the U.S. Coast and Geodetic Survey. Said Bench Mark shall be established from a first order bench

mark established by the U.S. Coast and Geodetic Survey or equal and shall have a maximum error in elevation of 0.05 M where M is the distance in miles.

SECTION 9.

The County Surveyor, in accordance with State statutes, may from time to time recommend to the Board of county Commissioners certain revisions, modifications, or amendments to this regulation.

SECTION 10.

No secondary plat or any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed by this regulation.

SECTION 11

If any article, section, subsection, sentence, clause, or phrase of this Ordinance is adjudged to be void, such decision shall not affect the validity of the remaining portions of this regulation.

SECTION 12.

Any person who violates any provision of this regulation shall be guilty of a misdemeanor and upon conviction shall be fined no less than Fifty Dollars (\$50.00) and not more than Two Thousand and Five Hundred Dollars (\$2,500.00) and for violations continued or renewed after one conviction, each day's violation shall constitute a separate offense.

PUBLIC UTILITIES

1. All utility facilities for telephone, cablevision, and electric service shall be provided with front, rear and side lot line easements of at least fifteen (15) feet or seven and one half (7 1/2) feet each of abutting properties and perimeter easement of at least twenty (20) feet or wider, ten (10) feet each abutting properties or wider if deemed necessary by the interested agency and approved by the Plan Commission. Gas mains shall be located within interior easements.
2. Where telephone and/or electric service lines (excluding service drops) are to be placed underground throughout the subdivision, the conduit or cables shall be located within easements or public rights-of-way

street crossings and in a manner which is in agreement with the utility companies and in compliance with the Indiana Utility Regulatory Commission regulations. Furthermore, all transformers and terminal boxes shall be located so as not to be hazardous to the public and shall be screened or landscaped by the developer when determined appropriate by the Plan Commission. A ten (10) feet clear, area shall be provided around all utility structures free from fences and landscaping.

3. All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place, subject to the approval of the County Highway Engineer.

STORM DRAINAGE

1. Adequate surface and subsurface drainage ways for the removal of stormwater shall be provided by the subdivider. Storm drainage prepared for the subdivider by a registered professional engineer and/or registered land surveyor. Drainage design by architects or landscape architects shall not be allowed. The analysis shall be based upon the standards established for Hamilton County. Times of concentration, storm frequencies and other variable factors to be used in the design shall be discussed with and approved by the County Surveyor during the preliminary consideration of the subdivision. The engineer or surveyor preparing said analysis shall provide the county Surveyor with a copy of the computations used in the completion of the analysis and design.
2. Stormwater sewer systems on and off site shall be separate and independent of the sanitary sewer system. Storm sewers including surface inlets , detention/retention areas, open ditches, swales and pipes shall be provided by the subdivider.
3. Any person proposing to locate a structure or a use within one hundred (100) feet of any stream or main drainage channel, the Director may require with the application for an improvement location permit or building permit, a statement from the Indiana Department of Natural Resources stating that the structure is outside of the 100 year flood plain. No building or other permanent structure shall be permitted within seventy-five (75) feet of the top of the bank of any open regulated drain or center line of any tile regulated drain unless written permission is obtained from the Hamilton County Drainage Board.
4. The subdivider shall furnish the commission a complete set of plans and profiles as approved in writing by the County Surveyor.
5. All plans and workmanship shall be in compliance with applicable County Ordinances.
6. Whenever a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a drainage right-of-way which shall be for the purpose of widening, improving or protecting the stream and its flood plain. To insure proper drainage

right-of-way width, the following requirements shall be incorporated in the Secondary Plat or site plan.

- a. Side yard easements with drainage structures or swales shall be a minimum of fifteen (15) feet per half.
- b. Rear yard easements with drainage structure or swales shall be a minimum of fifteen (15) feet per half.
- c. Perimeter easements with drainage structure of swales shall be a minimum of thirty (30) feet if the abutting properties have no adjacent drainage easement and in cases of abutting properties having drainage easements the aggregate of the easements shall be no less than thirty (30) feet and the new easement shall be no less than twenty (20) feet.
- d. Easements must run continuously from right-of-way to right-of-way and not dead end.
- e. Open channel easements shall be a minimum of twenty-five (25) feet as measured from the top of bank on each side plus the width of the channel from top of bank to top of bank.
- f. Areas of the 100 year flood plain shall be covered by a drainage easement.
- g. Easements for open channels and flood plain areas shall be a straight line when possible between lot lines. Location of easements shall be dimensioned along lot lines. In cases of easements not being a straight line between lot lines, all points of the easement segments shall be dimensioned from and on lot lines.
- h. Detention areas shall be protected by easements a minimum of twenty (20) feet as measured horizontally from the 100 year high water elevation.
- i. Drainage easements of fifteen (15) feet shall be required along both sides of streets on which road side ditches are used.
- j. Surveyor may require additional easement widths depending upon size and depth of pipe or structure, topography, soil conditions and other conditions.

EROSION CONTROL

The developer or his agent shall have prepared an Erosion Control Plan for all residential, commercial and manufacturing subdivisions which shall show all disturbed areas of the site and both temporary and permanent methods for Erosion Control during and after all construction activities related to the site. The plan shall be submitted to the Director, the County Surveyor and the Hamilton County Soil and Water Conservation District staff for review, approval and signature. Any amendments to the approved Plan shall be approved by all three reviewing departments. The Urban Development Planning guide for Erosion Control, Sediment Control, Flood Prevention and Drainage 1985 shall be used in determining the best procedure and methods established on the Erosion Control Plan.

RETAINING WALLS EARTH MOUNDING REQUIREMENTS

RETAINING WALLS

Retaining walls may be constructed within sites given the following requirements:

1. Must be shown on the Development Plan. No wall will be allowed if not shown on the Development Plan.
2. Any wall over four (4) feet must be designed by a professional engineer and all design plans must be submitted and be stamped by a professional engineer.
3. No retaining wall shall exceed ten (10) feet in height.
4. No retaining wall shall be constructed within a street rights-of-way nor a drainage or a utility easements.
5. No drainage, utility, sanitary sewer or water line will be constructed on the upper elevation of a retaining wall nor closer than fifteen (15) feet from the lower elevation of a retaining wall.
6. No structure shall be within fifteen (15) feet of the upper elevation or the angle of repose which ever is greater.

EARTH MOUNDS

1. Maximum height be set at six (6) feet.
2. Minimum top width be set at two (2) feet.
3. Maximum side slope for front and back sides be set at 3:1. (Three feet horizontal to one foot vertical.)
4. Mounds shall be set back from right-of-ways so that the toe of slope will be no closer than five (5) feet of the right-of-way.
5. Mounds shall be set back from the subdivision boundry so that the toe of slope shall be no closer than five (5) feet.
6. Mounds not be allowed to increase storm water runoff onto an adjoiner in excess of the amount received

during a ten (10) year storm event in the undeveloped condition.

7. Mounds shall be set back from drainage and utility easements (D & UE) so that the toe of slope will be no closer than two (2) feet from the easement. At no time will a mound be placed within or across a drainage & utility easement.
8. Mounds shall be set back from retention and detention areas so that the toe of slope of the mound is no closer than 15 feet of the top of bank or high water level of the retention or detention area.
9. Mounds must be shown on the development plan, primary plat and construction plan. Information to be included is the location and elevation of the toe of slope and the top, side slope, top width, typical cross-section, cross section relating to its location with right-of-ways, retention-detention areas and easements, proposed plan material and erosion control methods to be used.
10. Sight distances should be approved by the County Highway Department.

ROAD STANDARDS

ORDINANCE NO. 7/5/89/1

MINIMUM STANDARDS FOR CONSTRUCTION OF IMPROVEMENTS

It is hereby ordained that VIII Hamilton County Code, Chapter 6, is hereby amended to read as follows:

Chapter 6. Streets and Highways

Section 1. General Purposes. Hamilton County is responsible for maintaining all streets, roads and structures accepted into the county highway system. It is therefore necessary to set standards for the construction of all improvements for which the County will be responsible in order to avoid assuming unnecessary maintenance costs and inconvenience to the citizens and businesses of Hamilton County.

All improvements intended for public use, to be constructed in a county right-of-way or easement, or to be constructed in a right-of-way or easement to be dedicated to the County, or to be constructed as privately maintained improvements must conform to county standards according to plan commission requirements and shall conform to or exceed the standards as set forth in this ordinance.

The standards set forth in this ordinance are intended to be minimum standards. Variances from these standards may be considered by the County Commissioners upon written application to the Commissioners citing unusual conditions justifying changes based upon sound engineering practices. Proposed variances shall have been reviewed by the County Engineer and the plan commission having jurisdiction before consideration by the Commissioners.

All improvements shall be constructed to conform to the

current Standard Specifications of the Indiana Department of Transportation (INDOT), hereinafter referred to as Standard Specifications, except where deviations are hereinafter allowed or variances granted. Copies of the Standard Specifications are on file at the offices of the County Highway Department and the County Engineer.

Section 2. Rights-Of-Way Widths. All streets and roads shall have rights-of-way widths equal to or greater than the widths shown in Table 6-1, or greater if required by an applicable Comprehensive Plan, Thoroughfare Plan, or Regional Transportation Plan.

Section 3. Construction Plans and Specifications. All construction plans and specifications shall be prepared and certified by Professional Engineers or Land Surveyors licensed to practice in the State of Indiana. Change orders shall be initiated by the design professional who certified the plans, and subject to the written approval of the County Engineer.

Section 4. Embankments. Embankments shall be constructed and compacted in accordance with Section 203 of the Standard Specifications.

Section 5. Subgrades and Backfill. Subgrades shall be prepared, after the installation of all underground utilities to be under the pavement, in compliance with Section 207 of the Standard

Specifications except that the upper six inches shall be compacted to 95% of standard Proctor Density with proper moisture control. Clay and silty-clay soil shall be compacted at a moisture content of 1%-2% above optimum moisture to reduce future volume changes. Construction plans shall identify soil types and their locations in the project based on the best maps available and investigation as necessary.

Trenches in the subgrade shall be backfilled with granular material compacted in lifts in conformance with Section 715.08 of the Standard Specifications, or with controlled low strength material (CLSM) similar to flowable mortar described in Section 213 of the Standard Specifications, except that flowable mortar used in trenches of utilities will have a maximum 28-day compressive strength of 100 psi.

Subgrades and backfilled excavations shall be inspected and tested by the County Engineer and approved before pavements are constructed. Proof rolling, if required, shall be done with a rubber-tired roller in accordance with Section 203.26 of the Standard Specifications. Unacceptable portions of the subgrade shall be corrected by the Contractor using methods acceptable to the County Engineer, and reinspected and approved by the County Engineer before paving is started.

Section 6. Street and Road Pavements. Streets and roads shall be constructed in conformance with approved construction plans, and to equal or exceed the thicknesses and dimensions shown in Table 6-1, except where verified soil or drainage conditions,

variations in details, or other design factors justify changes in design according to the AASHTO Guide for Design of Pavement Structures (AASHTO Guide). Thicknesses and materials will be adequate to meet the AASHTO design parameters shown in Table 6-1. Auxiliary lanes shall be constructed to the equivalent thicknesses of the pavements they are added to or the entrances they are constructed to serve, whichever is greater.

Pavements built by stage construction, that is pavements used to carry traffic before the full pavement structure is in place, will have each stage used by traffic inspected by the County Engineer for distressed areas before the next stage is started. Distressed areas will be repaired to the satisfaction of the County Engineer before an additional stage is constructed.

Existing street pavements to be upgraded to County standards as parts of improvements to be accepted by the County, will be tested and evaluated by the design professional to determine the condition, quality and amount of pavement and the condition of the subgrade. Existing pavements may be upgraded by augmenting the existing pavement structure if elevations and grades are compatible and if the resulting pavement meets the structural and geometric requirements of Table 6-1; or the existing pavement materials, if suitable, may be incorporated into a new pavement structure.

Section 7. Subsurface Drains. Subsurface drains will be installed under the gutters as shown on Figure 6-1 for all streets where grades are less than 2%, but only from the PC to PT

of sag vertical curves where grades are greater than 2%.
Materials shall conform to Section 906 of the Standard Specifications.

Section 8. Flexible Pavements. Flexible pavements shall be constructed in conformance with Section 403 of the Standard Specifications.

Section 9. Concrete Pavements & Concrete Protection. Plain concrete pavements shall be constructed in accordance with Section 501 of the Standard Specifications except that the concrete may be placed, consolidated and finished with equipment appropriate to the size of the project, or by hand methods if authorized by the County Engineer. Concrete shall be batched, delivered and tested in accordance with ASTM C 94. Texturing will be by brooming or by a drag acceptable to the County Engineer. Joints will be designed and located to provide effective load transfer and crack control. The jointing pattern to be employed will be reviewed and approved by the County Engineer prior to the beginning of paving.

In accordance with the Standard Specifications, all concrete used to construct pavements, curbs and gutters, sidewalks, and approaches in the County's rights-of-way shall be Class A and shall be properly cured and protected against loss of moisture and extreme temperature by methods approved by the County Engineer prior to the start of construction. Concrete shall be protected from damage by rain, or replaced if damaged.

Section 10. Curbs and Gutters. Concrete curbs and gutters or integral curbs conforming to Section 605.04 of the Standard Specifications will be required on all streets. Shapes and dimensions shall conform to the requirements of Table 6-1 and approved construction plans. Joint locations shall conform to good engineering practice and shall be approved by the County Engineer prior to the beginning of construction.

To prevent undermining by water, curbs shall be promptly and carefully backfilled after application of curing protection, which shall take place immediately after slipforming or removal of forms. Backfill shall be compacted as soon as practical and maintained at an elevation slightly above the curb. As the backfill settles, it shall be regraded as often as necessary to keep it above the curbs.

Section 11. Sidewalks. Concrete sidewalks conforming to Section 604.03 of the Standard Specifications, shall be constructed as shown on approved plats. Sidewalks will have a minimum width of 5' in commercial areas and in residential areas where the gross density is greater than three units per acre; and a minimum width of 4' in residential areas with a density less than three units per acre. Wheelchair ramps will be included as required. The back edges of the walks shall be 1' inside the rights-of-way lines. Sidewalks shall be at least 4" thick, except where they are constructed across and in conjunction with residential driveways they shall be at least 5" thick, and where they are

built across commercial driveways they shall be the same thicknesses as the driveways, but at least 6" thick. Sidewalks shall be placed on compacted subgrades. They shall be jointed by tooling or sawing to conform to the approved construction plans. Sidewalks shall be protected against drying and extreme temperatures immediately after texturing.

Section 12. Storm Drainage and Culverts. Within subdivision streets' rights-of-way, surface water, sump pump discharge, and geothermal heat pump water discharge shall be carried away by enclosed storm drainage systems, not including subsurface drains. Storm drainage pipes or systems, subsurface drains or sump pump outlets shall not discharge into roadside ditches or over curbs. All pipes, culverts, inlets, cleanouts and manholes shall be constructed in accordance with plans and specifications approved by all governmental agencies having jurisdiction over the project drainage. Systems shall be designed to prevent overtopping of curbs by ten-year design storms.

Culverts and storm sewers shall be designed for a ten-year design storm, and installed to the approved elevations shown on approved construction plans. Culverts and storm sewers shall be reinforced concrete pipe conforming to A.S.T.M. C-76. Minimum diameter for storm sewers will be 12". Minimum diameter for culverts will be 12" under driveways and 18" under roadways. End sections shall be used for culverts less than 27" diameter.

Section 13. Bridges and Large Culverts. Plans, specifications

and design calculations for bridges or culverts having clear or combined spans greater than 20' shall be reviewed separately from those of other improvements. Bridges and large culverts will be designed to meet current AASHTO criteria for HS-20 loadings. The County Engineer must be provided with copies of current letters of approval for waterway openings and structure elevations from all other agencies having jurisdiction over stream crossings, including but not limited to the Hamilton County Surveyor and the Indiana Department of Natural Resources.

Bridges and large culverts shall be designed and constructed with materials, features and finishes approved by the County Engineer, prior to the beginning of working construction drawings, in order to minimize the County's maintenance requirements and liability exposure. Aesthetic features commensurate with the proposed development are encouraged.

Section 14. Signs. Street name signs shall be furnished at the developer's expense and installed by the County prior to the release of the performance bond or prior to the issuance of the first occupancy permit, whichever occurs first. The signs shall be installed on one post at each street intersection at an appropriate spot in each northeast corner wherever possible.

Stop signs, yield signs, speed limit signs and other necessary warning signs shall be furnished at the developer's expense and installed by the County in conformity with the Indiana Uniform Traffic Control Manual. Sign requirements will be coordinated with the County Engineer prior to completion of

the construction plans and will be noted on the construction drawings. The County Engineer will be responsible for drafting necessary ordinance amendments to authorize the control signs' installations. The developer shall furnish the signs prior to the release of the performance bond or prior to the issuance of the first occupancy permit, whichever occurs first.

Signs and posts shall be standard sizes and colors on reflective surfaces in accordance with Sections 909 and 912 of the Standard Specifications and Figure 6.02.

Section 15. Monuments. Monuments shall be installed by the developer and certified by a Professional Land Surveyor in conformance with applicable ordinances and statutes. Monuments and recoverable bench marks shall be indicated and described on the construction plans.

Section 16. Inspection. Prior to starting construction of any roads and/or bridges, the developer shall execute an agreement with Hamilton County which will provide that Hamilton County will supply an inspector to inspect the construction to insure that such construction meets the requirements of the approved plans and specifications. A copy of the agreement will be provided to the Plan Commission by the developer. The developer shall reimburse Hamilton County for the full cost of all inspection and laboratory tests based on rates established at the time of the execution of the agreement. The developer shall escrow 100% of the estimated total costs with the County Highway Department at

the time the agreement is executed. The developer shall furnish the Hamilton County Engineer with necessary copies of the approved construction plans and specifications for inspection services.

All construction shall be constructed, inspected and certified pursuant to the executed agreement described above. Inspection shall include the determination of a three-point standard Proctor moisture- density curve for each soil type in the pavement subgrade.

Upon completion of construction, the inspector will certify to the County and to the developer as to the compliance with Hamilton County standards, approved construction plans, and approved change orders. Where the inspector and the County Engineer agree it is necessary to confirm conformance with these standards, the pavement or sidewalk will be cored as part of the inspection process. The average thickness of the cores must equal or exceed the minimum required thickness, and no single core can have a deficiency greater than one- half inch. All deficient portions of pavements and sidewalks will be replaced at the developer's expense before the pavements or sidewalks are accepted.

Section 17. Performance Bonds. The developer shall file a performance bond or approved letter of credit with the County as a condition for approval of the plans by the Commissioners. The bond or letter shall run to the Hamilton County Commissioners and

shall be in an amount equal to the full construction costs as estimated by the County Engineer. The bond shall be on a form provided by the County and shall provide surety and principal satisfactory to the Commissioners. The bond or letter shall specify that all construction shall be done in accordance with this ordinance and be completed by a specified date, but not later than two years from the acceptance of the bond or letter. The bond or letter shall run until and be terminated upon acceptance of the improvements for the County by action of the Commissioners, and posting of a maintenance bond in accordance with Section 18.

Section 18. Maintenance Bonds. Prior to acceptance of construction and release of a performance bond, the developer shall file a maintenance bond or approved letter of credit with the County. The bond or letter shall run to the Hamilton County Commissioners and be in an amount equal to 20% of the construction costs as estimated by the County Engineer. It shall provide surety and principal satisfactory to the Commissioners; and it will provide that for a period of three years after the release of the performance bond the developer will make necessary repairs to any and all required improvements using materials and workmanship meeting the requirements of this ordinance. The term of three years shall be automatically extended by the surety until a satisfactory release has been effected.

Not more than six months, nor less than three months prior to the expiration date of the maintenance bond or letter, the

County Engineer shall inspect the improvements covered by the maintenance bond or letter. If no deficiencies are found to be present, the County Engineer shall notify the Commissioners in writing that there is no objection to the release of the bond or letter. If deficiencies are found, the County Engineer shall notify the developer of the specific deficiencies with a statement that the release shall be withheld until all deficiencies are corrected to the satisfaction of the County Engineer. If the developer does not acknowledge receipt of the notice within thirty days, he will be sent a second notice by certified mail.

When the County Engineer is notified that all deficiencies have been corrected, another inspection will be made by the County Engineer. If there are still deficiencies, the above process will be repeated. In the event that the developer does not correct all deficiencies to the satisfaction of the County Engineer, the County will be empowered to have the deficiencies corrected at its expense and to secure reimbursement from the developer, his bonding company, or source of his letter of credit. Written notice of the County's intent to take such action shall be transmitted to the developer and his surety by hand delivery or certified mail.

TABLE 6-1

MINIMUM STANDARDS FOR ROADS AND STREETS

Item	Class of Road or Street				
	Local	Minor Collector or Resident.	Major Collector or Comm.	Secondary Arterial	Primary Arterial
Right-of-Way Width	50'	70'	80'	90'	100'
Pavement Width B-B of curbs	26'	36'	36'	44'	48'
Cul-de-sac Max. Length*	600'	n.a.	600'	n.a.	n.a.
Curb radius	38'	n.a.	50' Comm.	n.a.	n.a.
	Class of Road or Street				
	Local	Minor Collector or Resident.	Major Collector or Comm.	Primary and Secondary Arterial	
Curb & Gutter Type	Roll	Roll	Straight	Straight	
Separate C&G Width**	24"	24"	24"	24"	
Max Grade	7%	5%	5%	5%	
Min Grade	0.5%	0.5%	0.5%	0.5%	
Design Speed-mph	25	35	40	55	
Horiz Curve Radius	100'	200'	200'	300'	
Tang betw rev. curves	50'	100'	200'	200'	
Intersect angle-degrees	60	75	75	75	
Intersect Offset-ft	150	150	200	200	

Curb Rtn Radius-ft	20	30	30	35
Sight Dist. Feet	250	450	650	900
AASHTO Design Values				
Reliability	75%	85%	85%	90%
Std Overall Deviation				
Concrete	.37	.35	.35	.35
Flexible	.47	.45	.45	.45
PSI Loss Due to Traffic				
Concrete	2.5	2.25	2.0	2.0
Flexible	2.2	1.95	1.7	1.7

Minimum Pavement Thicknesses on prepared subgrades

H.A. Surface	1"	1 1/2"	DESIGNED	DESIGNED
H.A. Binder	3"	4"		
#53 Base	9"	9"		
or				
H.A. Surface	1 1/2"	2"	DESIGNED	DESIGNED
H.A. Base	7"	8"		
or				
Plain Conc	6"	7"	DESIGNED	DESIGNED

*Cul-de-sac length measured from center of through-street

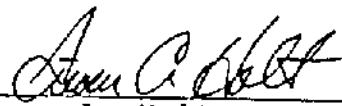
** County Engineer prefers 36" for roll-type curbs & gutters.

Section 19. Violations. Any violation of this Ordinance shall be an infraction and any person violating a provision of this Ordinance shall be fined up to Two Thousand Five Hundred Dollars (\$2,500.00). Each day of a violation shall be considered a separate offense.

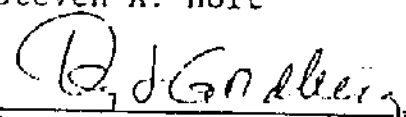
Section 20. All other sections of VII Hamilton County Code and all other Ordinances in contradiction with this Ordinance are repealed.

Section 21. This Ordinance shall be effective upon passage and the penalties herein shall be effective upon publication pursuant to law.

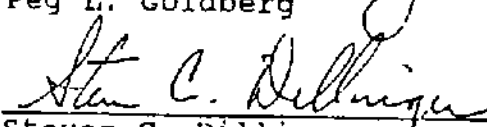
Section 22. The Auditor of Hamilton County is ordered to include this Ordinance at VII Hamilton County Code, Section 6, and publish this Ordinance pursuant to law.



Steven A. Holt



Peg L. Goldberg



Steven C. Dillinger

Attest:



Polly Pearce, Auditor

APPENDIX A

the presiding officer.

Section 3. Order of Business

The order of business of regular meetings shall be as listed below, except that said order of business may be changed by the president upon the consenting vote of the majority of those members present.

1. Call to order
2. Roll call of members
3. Minutes of prior meetings
4. Communications, bills and expenditures
5. Public hearings
6. Reports and recommendations of officers and committees
7. Old business
8. New business
9. Adjournment

ARTICLE IV FILING PROCEDURES

Section 1. Application

Each petition to the Commission shall be on application forms prescribed by the Commission and shall be accompanied by such information and exhibits as specified on such forms and as required by applicable ordinances. Any communication purporting to be a petition not on the prescribed forms or not containing the information required shall be considered incomplete and shall not be docketed.

Section 2. Filing Deadlines

Each petition to the Commission must be submitted to the Auditor of Hamilton County prior to the fourth Wednesday of the month prior to the month in which it shall be considered for hearing. When so submitted, the Auditor shall docket the petition for hearing by the Commission and identify the petition by numbers assigned sequentially preceded by the last two digits of the year in which submitted.

Section 3. Eligible Applicants

All owners of property included in any petition before the Commission must consent to the filing of the application. Such consent may be evidenced by each owner's notarized signature on said application or by signature of a person having power of attorney authorizing such signature. In the case of property which is being purchased under a land contract, the signatures of both the contract purchasers and the contract sellers or their duly authorized agents shall be required. In the event the owner is represented by an attorney at law, the application shall include the attorney's statement of his/her authority to represent the owner. All other applications executed by

persons acting as agents for or under a power from the owner must be accompanied by a written power of attorney or consent.

ARTICLE V NOTICE REQUIREMENTS

Pursuant to the authority given under IC 36-7-4-604 and IC 7-4-706, interest parties, the means for notifying them and the responsibility for such notice shall be as follows:

Section 1. Change of Ordinance

Where the proposal before the Commission is the initial adoption, replacement, repeal in whole or part or amendment of a zoning or subdivision control ordinance, interest parties shall be all residents within the jurisdiction of the Hamilton County Plan Commission and notice to them shall be given by publication pursuant to IC 5-3-6.

Section 2. Zone Change or Plat Approval

Where the proposal before the Commission is a change in the zone map or zone district or for the primary approval of a plat or subdivision...

- a. Interested parties shall be all owners of contiguous and bicontiguous real estate not to exceed 600' from the real estate described in the petition as certified by an ALTA land title insurance company doing business in Hamilton County and notice to them shall be given by certified mail at least 20 days prior to the date of the hearing. For the purpose of determining contiguous and bicontiguous parcels, the real estate described in the petition shall be deemed to include any adjacent land owned by the petitioner. Land separated from the petitioned real estate by streets, railways, easements, etc. shall be deemed to be land contiguous and bicontiguous to the petitioned real estate. A list of all such owners shall be a part of the petitioners application along with the title insurance company certification.
- b. Interested parties shall also be all residents within the jurisdiction of the Hamilton County Plan Commission and notice to them shall be given by a notice sign prescribed by the Commission and available from the Commission upon payment of the applicable fee placed upon the real estate described in the petition at least ten days prior to the date of the hearing along each non-intersecting road frontage in a location thereon best visible by unobstructed view by the general public but in no case more than 25 feet from the edge of that road frontage.
- c. Notice shall also be given as specified in Section 1 of this Article.

Section 3. Responsibility and Cost

The petitioning party shall be responsible for giving all required notice and shall bear the cost for same. When the proposal before the Commission is upon the Commission's own motion, notice and costs shall be the responsibility of the Commission.

Section 4. Proof of Publication

Proof of publication shall be a duly issued Newspaper Publisher's Proof of Notice, proof of mailing shall be by post office certified mail receipts of mailing and proof of signage shall be by affidavit in a form prescribed by the Commission. All applicable proof of notice must be made a part of the application prior to the public hearing.

Section 5. Contents

Except in the case of signage, the notice of public hearing shall contain as a minimum the following information:

- a. Docket number and the substance of the matter to be heard
- b. General location by address or other identifiable geographic characteristic of the property
- c. Name of the person or agency initiating the matter to be heard
- d. Time and place of the hearing
- e. Statement that the petition may be examined at the office of the Commission
- f. Statement that interested parties may offer an oral opinion at the hearing or may file written comments concerning the matter to be heard prior to or at the hearing
- g. A statement that the hearing may be continued from time to time as may be found necessary
- h. Any other information which may be required by law to be contained in such notice

ARTICLE VI PUBLIC HEARINGS

Section 1. When Held

Public hearings shall be held on matters before the Commission as required by law. In addition, the Commission may, at its discretion, hold public hearings when it determines that such hearing will be in

COMMISSIONS REPORT OF APPROVAL
CERTIFICATION BY THE
HAMILTON COUNTY PLAN COMMISSION

TO THE HAMILTON COUNTY COMMISSIONERS:

Be advised that pursuant to Indiana Code: 36-7-4-607 /36-7-4-701, the Hamilton County Plan Commission did, at a scheduled meeting of the Plan Commission on Thursday, May 10, 1990, approve the amended Subdivision Regulations Ordinance (amended Monday, April 16, 1990 and May 7, 1990 by the Hamilton County Commissioners). This Certificate is to be filed with the Hamilton County Commissioners.

Hamilton County Plan Commission
President

[Signature] DATE 5-11-90

Attest:

[Signature] DATE 5-11-90

FILED
MAY 14 1990
CLERK OF SUPERIOR COURT
HAMILTON COUNTY